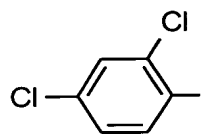


REMARKS

Applicants acknowledge their election with traverse of the species represented by the combination of clothianidin (TI-435) with triadimenol, an azole within the scope of formula (II) represented by subgroup (ix) of amended Claim 6 (identified as subgroup (xv) before amendment). Applicants also gratefully acknowledge the Examiner's indication that the combination of clothianidin (TI-435) with triadimenol would be allowable.

Applicants' traversal relates to their belief that combinations of clothianidin with closely related azole derivatives of formula (II) should be allowable subject matter. Consequently, Applicants have amended Claim 6 to exclude compounds of component (b) other than azole derivatives of formula (II). Applicants note further with respect to Claim 6 that CAPLUS 1993:228245 (document 118:228245) – which was previously identified in Form PTO 1449 at sheet 1 of 4, entry AR – discloses a mixture of clothianidin and propiconazole, an azole of formula (II) in which R¹ is



, R² and R³ together are -OCH₂CH(n-C₃H₇)O- (thereby forming a cyclic structure), and n is 1 (see subgroup (i) before amendment). Applicants have therefore also amended Claim 6 to exclude propiconazole. Without making any concessions concerning the patentability of compositions containing other such "cyclic" compounds, Applicants have additionally amended Claim 6 to exclude other compounds of formula (II) in which R² and R³ together form a cyclic structure. [Because the lower case Roman numerals used in Claim 6 have no inherent significance, Applicants have renumbered the definitions for formula (II).]

Claim 6 as amended is thus directed to combinations of clothianidin with triadimenol and structurally related azole derivatives of formula (II) in which R¹, R², and R³ do not together form cyclic structures.

Applicants therefore respectfully request consideration of the entirety of their claims as amended and again reserve the right to file one or more divisional applications directed to the canceled subject matter.

Rejection under 35 U.S.C. 103

Claims 6-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,730,312 ("Schneidersmann et al") and JP 11-049617 ("Tanaka et al"). Applicants respectfully traverse.

Schneidersmann et al discloses quaternary compositions containing (A) an insecticide or acaricide (preferably a neonicotinoid or phenylpyrazole of the specified general formulas) and (B) at least three fungicidally active compounds, including a phenylamide, a phenylpyrrole, and a triazole. E.g., column 1, line 51, through column 2, line 2. Schneidersmann et al does not mention azole derivatives as specified by Applicants.

Tanaka et al discloses compositions containing 3-iodo-2-propynyl N-butyl-carbamate (IPBC) (see abstract), which the Office Action correctly observes corresponds to compound (47) of Claim 6 as filed. However, in view of Applicants' amendment to Claim 6, Applicants respectfully submit that Tanaka et al is no longer relevant.

Applicants therefore respectfully submit that their claims are not rendered obvious by Schneidersmann et al or Tanaka et al.

In view of the preceding amendments and remarks, allowance of the claims is respectfully requested.

Respectfully submitted,

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